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10/574,244	03/02/2007	Matti Puputti	915-002.011	7819

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EXAMINER

AMBAYE, MEWALE A

ART UNIT

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4124

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/574,244

Applicant(s)

PUPUTTI, MATTI

Examiner

MEWALE AMBAYE

Art Unit

4124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1, 4-9, 14, 19-25, 27, 30-33, 35-45 and 47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-9, 14, 19-25, 27, 30-33, 35-45, and 47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 07/13/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1, 4-9, 14, 19-25, 27, 30-33, 35-45 and 47 are pending.

Oath/Declaration

2. The oath/Declaration filed on 03/20/2007 is accepted by the examiner.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

Information Disclosure Statement

4. The information disclosure statement filed on 07/13/06 is in compliance with 37 CFR 1.97. Accordingly, the information discloser statement is being considered by the examiner.

Drawings

5. The drawings filed on 03/29/06 are accepted by the examiner.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims **1, 19-25, 27, 30-33, 35-37** and **39-45** are rejected under 35 U.S.C. 102(b) as being anticipated by Douglas et al (hereinafter referred as Douglas) US Patent pub. No. 2002/0016933 as cited in IDS dated on 07/13/06.

8. **As per claims 1, 23-24, 31, 35 and 42:** Douglas discloses a method/computer readable medium/operating terminal configured/system/network element/terminal configured of signalling in a communications network in which service information data is transmitted/receive via a first set of channels, the method comprising: providing/receiving a copy of at least some of said service information data (*Page 2; para. 0015*); providing/receiving forward error correction (FEC) data for said copy (*Page 2; para. 0018, lines 1-14*); and transmitting/receiving said copy and said FEC data via a second, different set of channels (*Page 2; para. 0018, lines 1-14; note: second data channel (FEC) & redundant path (copy) equals to a different set of channels*).
9. **As per claims 19, 32, 36 and 39:** Douglas discloses a method/system/network element/transmitter of signalling in a communications network in which service information data is transmitted/received, the method comprising: providing/receiving forward error correction (FEC) data for at least some of said service information data (*Page 2; para. 0020*); and transmitting/receiving said at least some of said service information data and said FEC data (*Page 2; para. 0020*).
10. **As per claims 21, 27, 41, 43 and 45:** Douglas discloses a method/operating terminal configured/transmitter/ terminal configured/receiver of transmitting/receiving service information, the method comprising: transmitting/receiving/means for receiving at least part of service information data as part of forward error correction data (*Page 2; para. 0020*).
11. **As per claim 30:** Douglas discloses a method/computer readable medium storing a computer program comprising computer program instructions for causing a terminal to receive a copy of at least some of said service information data and FEC data for said copy via a second, different set of channels (*Page 2; para. 0018 & 0019*); and to decode said copy of at least some

of said service information data and said FEC data for said copy so as to so produce a corrected version of said copy of said at least some of said service information data (*Page 4; para. 0031 & Page 1; para. 003*).

12. **As per claim 20:** Douglas discloses a method comprising: transmitting said service information data via a first set of channels (*Page 2; para. 0018 lines 1-4*); and transmitting said at least some of said service information data and said FEC data via a second, different set of channels (*Page 2; para. 0018*).

13. **As per claim 22:** Douglas discloses a method wherein the service information data includes service information parameters (*Page 1; para. 003*).

14. **As per claim 25:** Douglas discloses a method further comprising: decoding said copy of at least some of said service information data and said FEC data for said copy so as to so produce a corrected version of said copy of said at least some of said service information data (*Page 4; para. 0031*).

15. **As per claim 33, 37, 40 and 44:** Douglas discloses *a system/network element/transmitter/terminal configured* comprising: transmitting receiving said service information data via a first set of channels (*Page 2; para. 0018, lines 1-4*); and transmitting said at least some of said service information data and said FEC data via a second, different set of channels (*Page 3; para. 0020, lines 1-4*).

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 4-9, 14, 38 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Douglas US Patent pub. No. 2002/0016933 A1, in view of Jussi et al (hereinafter referred as Jussi) US Patent No. 7,454,683 B2.

18. **As per claim 4:** Douglas discloses a method of signalling in a communications network in which service information data is transmitted/receive via a first set of channels, the method comprising: providing/receiving a copy of at least some of said service information data (*Page 2; para. 0015*); providing/receiving forward error correction (FEC) data for said copy (*Page 2; para. 0018, lines 1-14*); and transmitting/receiving said copy and said FEC data via a second, different set of channels (*Page 2; para. 0018, lines 1-14*).

Douglas does not explicitly teach placing said first plurality of data packets in a first plurality of sections and placing said second plurality of data packets in a second plurality of sections.

However, Jussi discloses placing said first plurality of data packets in a first plurality of sections (*Col 2; lines 37-40*) and placing said second plurality of data packets in a second plurality of sections (*Col 2; lines 45-47*).

Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to employ the teaching method of Douglas within Jussi method in order to allow other services to use the bandwidth allocated to the service. Thus the receiver need only stay active for a portion of time while receiving bursts (*See Jussi col 1; lines 38-41*).

19. **As per claim 5:** the combination of Douglas and Jussi discloses a method further comprising: arranging said first plurality of sections into a first set of bursts (*See Jussi col 2;*

lines 20-24) and arranging said second plurality of sections into a second set of bursts (See Jussi col 2; lines 25-29)

20. **As per claim 6:** the combination of Douglas and Jussi discloses a method further comprising: placing said first plurality of sections in a first plurality of packets (*See Jussi col 2; lines 37-40*) and placing said first plurality of sections in a second plurality of packets (*See Jussi col 2; lines 45-47*).

21. **As per claim 7:** the combination of Douglas and Jussi discloses a method further comprising labelling said first plurality of packets with a first packet identifier; and labelling said second plurality of packets with a second packet identifier (*See Jussi col 2; lines 61-65*).

22. **As per claim 8:** the combination of Douglas and Jussi discloses a method comprising: providing a first parameter for indicating a timing offset between a first, earlier burst comprising at least some of said copy of said at least some of said service information data and a second, later burst comprising further of said copy of said at least some of said service information data (*See Jussi col 1 line 65 through col 2 line 5*); and providing a second parameter for indicating a timing offset between a third, earlier burst comprising at least some of said FEC data and a fourth, later burst comprising further FEC data (*See Jussi col 2 lines 2-5*).

23. **As per claim 9:** the combination of Douglas and Jussi discloses a method further comprising: placing said first parameter in a section included in said first burst and placing said second parameter in a section included in said second burst (*See Jussi col 1 line 65 through col 2 line 5*).

24. **As per claim 14:** the combination of Douglas and Jussi discloses a method wherein said communications network is a unidirectional, digital broadcast system (*See Jussi col 1; lines 43-*

45).

25. **As per claim 38:** the combination of Douglas and Jussi discloses a network element which is an encapsulator (*Fig. 2 #6*).

26. **As per claim 47:** the combination of Douglas and Jussi discloses a method further comprising: including in said service information data at least one of the following parameters: a parameter for indicating that said copy is being transmitted via second channel (*See Douglas Page 2; para. 0018, lines 1-14*); a parameter for indicating that said FEC data is being transmitted via third channel (*See Douglas Page 2; para. 0018, lines 1-14*); a parameter for indicating that said copy is being transmitted in a set of time-sliced bursts and a parameter for indicating that said FEC data is being transmitted in a set of time-sliced bursts (*See Jussi col 8; lines 48-51*).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mewale Ambaye whose telephone number is (571) 270-7634. The examiner can normally be reached on M - F, 8:00 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reach on (571) 272-3155. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from their Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)?

If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (In USA or Canada) or 571-272-1000.

/HUY VU/

Supervisory Patent Examiner, Art Unit 2416